

REMARKS/ARGUMENTS

Claims 31 and 34 are pending, and have been amended. No new matter is added. Reconsideration is requested.

Informalities

The numbering pattern in claim 31 has been amended as suggested by the Examiner. Reconsideration of the objection is therefore requested.

35 USC §103(a)

*(a) Claims 31 and 34 were rejected as being unpatentable over Hoekstra et al. in view of Meyn*

The Examiner alleges that Hoekstra *et al.* teaches an assay for identifying modulators of an ATM and MCSS1 interaction and that Meyn teaches that ATM phosphorylates p53 and it would therefore have been obvious to modify the teachings of Hoekstra *et al.* in the light of Meyn to arrive at the claimed invention.

Claims 31 and 34 have been amended to remove reference to ATM. The claims now only refer to the interaction between ATR and p53. There is no suggestion in Hoekstra *et al.* or Meyn that ATR phosphorylates p53. The skilled person could not therefore combine the disclosures of Hoekstra *et al.* and Meyn to arrive at the claimed invention.

Applicants respectfully submit that the presently claimed invention meets the requirements of 35 U.S.C. 103. Withdrawal of the rejection is requested.

*(b) Claims 31 and 34 were rejected as being unpatentable over Hoekstra et al. in view of Baskaran et al.*

The Examiner alleges that Hoekstra *et al.* teaches an assay for identifying modulators of an ATM and MCSS1 interaction and that Baskaran *et al.* suggests that ATM can phosphorylate p53 and it would therefore have been obvious to modify the teachings of Hoekstra *et al.* in the light of Baskaran *et al.* to arrive at the claimed invention.

Claims 31 and 34 have been amended to remove reference to ATM. The claims now only refer to the interaction between ATR and p53. There is no suggestion in Hoekstra *et al.* or Baskaran *et al.* that ATR phosphorylates p53. The skilled person could not therefore combine the disclosures of Hoekstra *et al.* and Baskaran *et al.* to arrive at the claimed invention.

Applicants respectfully submit that the presently claimed invention meets the requirements of 35 U.S.C. 103. Withdrawal of the rejection is requested.

USSN: 09/462,962

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number MEWE-010.

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Respectfully submitted,  
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